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RUEHBJ/AMEMBASSY BEIJING PRIORITY 2244  
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RUEHIT/AMCONSUL ISTANBUL PRIORITY 2680  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 0915  
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SENSITIVE  
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SUBJECT: TURKMENISTAN: REVISED PARLIAMENTARY ELECTION LAW

REFLECTS INFLUENCES OF INTERNATIONAL ORGANIZATIONS

1. (U) Sensitive but unclassified. Not for public Internet.

2. (SBU) Turkmenistan's revised Law on Elections of Mejlis (parliament) Deputies, published without fanfare on October 15, contains a range of changes that will affect the election process, candidates, potential election observers, the media, and the operations of election commissions. Many of the changes are possibly those the UNDP recommended to the government of Turkmenistan in the course of its electoral reform project and have been raised by international observers in the past. Below are the most significant changes that post noted.

#### THE ELECTION PROCESS

3. (SBU) Ballots will now only be printed in the Turkmen language. Previously, ballots were also made available in the dominant language of a given election district, which would have required the provision of Uzbek or Russian language ballots, for example. Polling stations will now be open at a determined time, and close at a determined time. Election commissions will not close the polls and start counting when all names on the district voter list have been crossed off, as they did in the past. Voters will now mark on the ballot the candidate they want to vote for, rather than crossing out those they do not want (i.e., negative voting has been eliminated).

4. (SBU) The revised law deleted a provision for invalidating election results if less than half of the registered voters voted, or if one of two candidates were to die. There are several new provisions to enable citizens who have been officially detained and the mentally ill to vote, to include establishment of polling stations where they are located. Sentenced prisoners, however, are still prohibited from voting. There are also new provisions to establish voting capacities for citizens overseas, with the MFA overseeing the process.

#### CANDIDATES

5. (SBU) Language was removed that banned a person from being a candidate for five years after he has served out a court sentence. A prospective candidate can now protest the rejection of his registration at either the Central Election Commission (CEC) or in court. Previous language giving the person three days to do this was removed. In runoff elections, additional candidates can't be introduced. Local self government organs and public associations no longer participate in the organization of meetings between candidates and voters. Executive authorities provide the premises for candidate meetings. Regional election commissions, however, will still "render assistance" to candidates in meeting with voters.

#### RULES FOR OBSERVERS

6. (SBU) A largely new Article 23 spells out the rights and responsibilities of observers. The CEC is responsible for organizing all election observation activity. Anyone can be a national observer, but his powers still must be certified by a relevant document, and he must be registered by regional authorities. International observers must be invited by the government and be accredited by the CEC. Invitations to observers can be sent by the president or by the CEC. The CEC is tasked with sending invitations to the election bodies of foreign states and international organizations. A foreign observer's authorization begins only on the day he is accredited and ends when election results are published.

17. (SBU) To perform his role, a foreign observer must have three documents provided by the government: the original invitation, his accreditation, and an official ID he receives

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after accreditation. Foreign observers can meet with candidates, party representatives, public associations and other observers to talk about legislation or the preparation and conduct of the elections. Observers cannot engage in activities unrelated to the preparation and conduct of the elections. The CEC can revoke the accreditation of an observer who violates the rules.

#### MEDIA ACCESS

18. (SBU) Article 23 also contains language that outlines the mass media's rights during the election period. It does not differentiate between international and state-run media. They can cover election commission meetings, examine election commission protocols, cover pre-election campaign events, have access to polling stations, and shoot video. The media, however, will still likely be dependent on election commissions for election event and location information. Elsewhere, in Article 38, election commissions are tasked with ensuring equal media opportunities for all candidates.

#### ELECTION COMMISSIONS

19. (SBU) Regional People's Councils no longer have a role in election activities. Governors and local government leaders have also lost their potential roles in election commissions. (NOTE: Recent publication of the provincial election commission members--formed by the CEC--shows a deputy governor now heading every commission. END NOTE.) Provincial election commissions are no longer to be temporary bodies, but "constantly active" entities. Public associations or gatherings of citizens or military personnel can no longer oust a member of an election commission. (NOTE: It appears that only the CEC can oust commissioners of subordinate commissions. END NOTE.)

110. (SBU) COMMENT: Overall, the revisions appear to be a modest step forward in the effort to introduce international standards. Many of the changes appear to reflect some of the recommendations that the UN, OSCE and others have shared with the Turkmen government. That said, there are few changes that indicate a desire to promote pluralism or greater transparency in the process. Further, requirements that ballot or other election information be provided only in the Turkmen language will have an impact on those citizens, who are not conversant in Turkmen -- which includes many non-ethnic Turkmen -- whose interest in the process was already diminished. END COMMENT.  
CURRAN